

## AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

### LISTING OF CLAIMS:

1. (Previously Presented) A gastroplasty device, comprising:  
a first acquisition member and a second acquisition member in apposition to one another along a first longitudinal axis, wherein at least one of the acquisition members is adapted to adhere tissue thereto such that the tissue is positioned between the first and second acquisition members, and at least one of the acquisition members is movable relative to the first longitudinal axis between a delivery configuration and a deployment configuration.
2. (Canceled)
3. (Previously Presented) The device of claim 1 further comprising an elongate body attachable to the first and second acquisition members.
4. (Previously Presented) The device of claim 3 wherein a second longitudinal axis defined by the elongate body is parallel with the first longitudinal axis.
5. (Original) The device of claim 1 wherein each of the first and second acquisition members are adapted to adhere tissue thereto.
6. (Original) The device of claim 1 further comprising a septum removably positioned between the first and second acquisition members.
7. (Previously Presented) A gastroplasty device for forming a gastric pouch, comprising:  
a distal working portion having a longitudinal axis, a perimeter and an inner volume, and further having a tissue acquisition member along the longitudinal axis adapted to adhere tissue thereto such that the tissue is positioned within the inner volume and about the perimeter of the distal working portion to define a gastric pouch, and the

tissue acquisition member is movable relative to the longitudinal axis between a delivery configuration and a deployment configuration.

8. (Original) The gastroplasty device of claim 7 wherein the distal working portion has a rectangular configuration.

9. (Original) The gastroplasty device of claim 7 wherein the distal working portion has a arcuate configuration.

10. (Original) The gastroplasty device of claim 7 further comprising an elongate body attachable to the distal working portion.

11. (Original) The gastroplasty device of claim 7 further comprising a septum.

12. (Canceled)

13. (Original) The gastroplasty device of claim 7 further comprising an expandable element.

14. (Original) The gastroplasty device of claim 13 wherein the expandable element is selected from the group consisting of a scope, a balloon, and a wire form.

15. (Original) The gastroplasty device of claim 7 adapted for use with an endoscope.

16. (Original) The gastroplasty device of claim 7 further comprising a transducer.

17. (Original) The gastroplasty device of claim 11 wherein the tissue acquisition member is pivotally movable relative to the septum.

18. (Previously Presented) The gastroplasty device of claim 11 wherein the septum comprises a bioabsorbable material.

19. (Previously Presented) The gastroplasty device of claim 18 wherein the bioabsorbable material is selected from the group consisting of polylactic acid (PLA), poly(lactic-co-glycolic acid) (PLGA), and polyglycolic acid (PGA).

20. (Original) The gastroplasty device of claim 7 wherein the tissue acquisition member comprises a cartridge assembly containing at least one fastener therein for affixing to tissue.

21. (Previously Presented) A gastroplasty device for forming a gastric pouch, comprising:

a distal working portion having a longitudinal axis, a perimeter and an inner volume, and further having a vacuum chamber adapted to adhere tissue thereto such that the tissue is positioned within the inner volume and about the perimeter of the distal working portion to define a gastric pouch, and the vacuum chamber is pivotable relative to the longitudinal axis between a delivery configuration and a deployment configuration.

22. (Original) The gastroplasty device of claim 21 further comprising an expandable element.

23. (Original) The gastroplasty device of claim 22 wherein the expandable element is selected from the group consisting of a scope, a balloon, and a wire form.

24. (Original) The gastroplasty device of claim 21 adapted for use with an endoscope.

25. (Original) The gastroplasty device of claim 21 further comprising a transducer.

26. (Original) The gastroplasty device of claim 21 further comprising a septum.

27. (Previously Presented) The gastroplasty device of claim 26 wherein the septum comprises a bioabsorbable material.

28. (Previously Presented) The gastropasty device of claim 27 wherein the bioabsorbable material is selected from the group consisting of polylactic acid (PLA), poly(lactic-co-glycolic acid) (PLGA), and polyglycolic acid (PGA).